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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,260	11/18/2003	Vitaliano Russo	7202-48	6498
30448	7590	02/08/2006	EXAMINER	
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/716,260

Applicant(s)

RUSSO, VITALIANO

Examiner

Michael P. Ferguson

Art Unit

3679

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-8 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 1, 2005 has been entered.

### ***Claim Objections***

2. Claim 8 is objected to because of the following informalities:

Claim 8 (line 5) recites "of the wings". It should recite --of wings--.

Claim 8 (line 6) recites "of the wings". It should recite --of wings--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 (line 5) recites "at least one bridge element". Claim 8 (line 7) recites "at least one bridge element". Claim 8 (line 9) recites "clamping means of said at least one

Art Unit: 3679

bridge element, wherein the bridge element comprises an arch". It is unclear as to whether or not there are two separate bridge elements. It is unclear as to which bridge element comprises clamping means, and which bridge element comprises an arch. It appears that Applicant intended for Claim 8 (line 5) to recite "at least one first bridge element", for Claim 8 (line 7) to recite "at least one second bridge element", and for Claim 8 (line 9) to recite "clamping means of said at least one second bridge element, wherein the first bridge element comprises an arch".

For the purpose of examining the application, it is assumed that appropriate correction has been made.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,2,6,8,12,14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tesac Corp (JP 2000-178925).

As to claim 1, Tesac Corp discloses a method for making retaining net knots wherein a knot comprises a first **4** and a second **3** rope crossing over each other and a junction binding the ropes in a given crossover area, the method comprising the steps of:

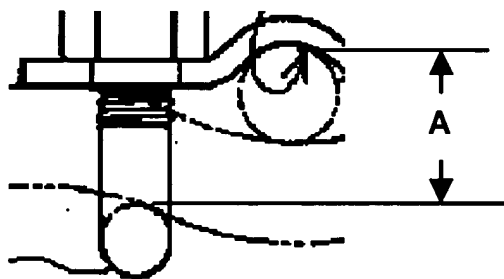
placing a first U element **16B** and a second U elements **16A** positioned side-by-side astride the first rope, each with the same orientation at a distance from one another

Art Unit: 3679

approximately equal to the rope diameter so that they lie close to the second rope on opposite sides thereof;

linking the ends of the first U element to the ends of the second U element by means of a bridge element **16B** overlying the second rope, and clamping the bridge element on the second rope;

wherein, during the clamping step, the ropes press each other at their crossover area, because of the displacement of contacting rope strands, reducing the overall thickness **A** (Figure 10b shown below with annotations) of the first and second ropes pressed together to 1 to  $\frac{4}{3}$  of the rope diameter (thickness **A** is approximately  $\frac{4}{3}$  the diameter of rope **3,4**) in such a way that the ropes are forced to lie substantially in the same plane at each knot of the net (Figures 9-10b).



As to claim 2, Tesac Corp discloses a knot of a retaining net comprising a first **4** and a second **3** rope crossing over each other and a junction for binding the ropes together, wherein the junction comprises:

a first U element **16A** and a second U element **16A** positioned side-by-side astride the first rope, with equally oriented wings at a distance from one another approximately equal to the rope diameter so that they lie close to the second rope on opposite sides thereof;

Art Unit: 3679

a bridge element **16B** linking the ends of the wings of the first U element to the adjacent ends of the wings of the second U element, and overlying the second rope; and

clamping means **16C** for clamping the bridge element on the second rope;

wherein the bridge element comprises an arch which merges (joins) with the adjacent ends of the first and second U elements and is integral with (formed so as to act as a single unit) the first and second U elements to form a unique piece, and

wherein the unique piece has a given distance **A** measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U element and the second U element, and

wherein the give distance is between 1 and  $\frac{4}{3}$  of the rope diameter (Figures 9-10b).

As to claim 6, Tesac Corp discloses a knot wherein the clamping means **16C** comprise two nuts screwing on the ends of two wings of the U elements **16A** (Figure 10b).

As to claim 8, Tesac Corp discloses a junction for binding two ropes together in a knot of a retaining net, the junction comprising:

a first U element **16A** and a second U elements **16A**, laid side-by-side and equally oriented, at a distance from one another approximately equal to the rope diameter;

Art Unit: 3679

a bridge element **16B** linking the ends of the first U element to the adjacent ends of the second U element, used to close the U elements, and clamping means **16C** of the bridge element,

wherein the bridge element comprises an arch which merges (joins) with the adjacent ends of the first and second U elements and is integral with (formed so as to act as a single unit) the first and second U elements to form a unique piece, and

wherein the unique piece has a given distance **A** measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U element and the second U element, and

wherein the given distance is between 1 and  $\frac{4}{3}$  of the rope diameter (thickness **A** is approximately  $\frac{4}{3}$  the diameter of rope **3,4**; Figures 9-10b).

As to claim 12, Tesac Corp discloses a junction wherein the clamping means **16C** comprise two nuts screwing on the ends of two wings of the U elements **16A** (Figure 10b).

As to claim 14, Tesac Corp discloses a knot wherein the curvature of the curved bases of the first and second elements **16A** is semicircular, with an intrados radius being approximately one half of the rope diameter (Figure 10b).

As to claim 15, Tesac Corp discloses a junction wherein the curvature of the curved bases of the first and second elements **16A** is semicircular, with an intrados radius being approximately one half of the rope diameter (Figure 10b).

Art Unit: 3679

7. Claims 8,12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Parkin (US 2,079,034).

As to claim 8, Parkin discloses a junction capable of binding two ropes together in a knot of a retaining net, the junction comprising:

a first U element **8,9,10** and a second U elements **8,9,10**, laid side-by-side and equally oriented, at a distance from one another approximately equal to the rope diameter;

a bridge element **7,11** linking the ends of the first U element to the adjacent ends of the second U element, used to close the U elements, and clamping means **13** of the bridge element,

wherein the bridge element comprises an arch which merges with the adjacent ends of the first and second U elements and is integral with the first and second U elements to form a unique piece,

wherein the unique piece has a given distance measured between a tangent line at an intrados of an arch of the bridge element and the place defined by tangent lines at the intrados of curved bases of the first U element and the second U element, and

wherein the given distance is capable of being between 1 and  $\frac{4}{3}$  of the rope diameter (Figure 2).

As to claim 12, Parkin discloses a junction wherein the clamping means **13** comprise two nuts screwing on the ends of two wings of the U elements **8,9,10** (Figure 2).



As to claim 15, Parkin discloses a junction wherein the curvature of the curved bases of the first and second elements **8,9,10** is semicircular, with an intrados radius being approximately one half of the rope diameter (Figure 2).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesac Corp in view of Gore (US 1,781,458).

As to claim 7, Tesac Corp discloses a knot wherein clamping means **16C** comprise two nuts screwing on the ends of the U elements **16A** instead of two heads formed through riveting, the heads corresponding to the ends of two wings of the U elements (Figure 10b).

Gore discloses a knot characterized in that clamping means comprise two nuts screwing on the ends of bolts **9** or two heads formed through riveting, the heads corresponding to the ends of rivets **9** (Figure 1, lines 35-41). Inasmuch as the references disclose nuts and rivet heads as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claim 13, Tesac Corp discloses a junction wherein clamping means **16C** comprise two nuts screwing on the ends of the U elements **16A** instead of two heads

Art Unit: 3679

formed through riveting, the heads corresponding to the ends of two wings of the U elements (Figure 10b).

Gore discloses a junction characterized in that clamping means comprise two nuts screwing on the ends of bolts **9** or two heads formed through riveting, the heads corresponding to the ends of rivets **9** (Figure 1, lines 35-41). Inasmuch as the references disclose nuts and rivet heads as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

10. Claim 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkin in view of Gore.

As to claim 13, Parkin discloses a junction characterized in that clamping means **13** comprise two nuts screwing on the ends of the U elements **8,9,10** instead of two heads formed through riveting, the heads corresponding to the ends of two wings of the U elements (Figure 2).

Gore discloses a junction characterized in that clamping means comprise two nuts screwing on the ends of bolts **9** or two heads formed through riveting, the heads corresponding to the ends of rivets **9** (Figure 1, lines 35-41). Inasmuch as the references disclose nuts and rivet heads as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

***Response to Arguments***

11. Applicant's arguments filed November 1, 2005 have been fully considered but they are not persuasive.

As to claims 1,2 and 8, Attorney argues that:

Tesac Corp does not disclose a knot comprising a first U element and a second U element *positioned side-by-side astride the first rope, with equally oriented wings at a distance from one another approximately equal to the rope diameter so that they lie close to the second rope on opposite sides thereof*, wherein the unique piece has a given distance measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U element and the second U element; *and wherein the given distance is between 1 and 4/3 of the rope diameter.*

Examiner disagrees. As to claims 1,2 and 8, Tesac Corp discloses a knot comprising a first U element **16A** and a second U element **16A** positioned side-by-side astride the first rope, with equally oriented wings at a distance from one another approximately equal to the rope diameter so that they lie close to the second rope on opposite sides thereof; wherein the unique piece has a given distance **A** measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U element and the second U element; and wherein the given distance is 4/3 of the rope diameter (Figure 10b).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600